

REMARKS/ARGUMENTS

By this Amendment, the specification is amended and Claim 1 is amended.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

The only independent claim in this case, i.e., Claim 1, and its dependent Claims 2 - 7, 19, 20 and 22 were rejected as being fully anticipated by the published patent application to Ahn (US2002/0073984 A1). Claims 1, 2, 4, 6, 7, and 22 were also rejected as being anticipated by the patent to Sambonet et al. (6,311,866). Claim 5 was rejected as being obvious over the Ahn reference. Claims 8 - 18, 21, 23 and 24 were objected to as being dependent upon a rejected claim and were indicated as being allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 of the subject application has been amended to call for a chafer exhibiting the following combined features: (1) a support frame, (2) a food service pan, (3) a cover, (4) a cover pivoting assembly, (5) with the cover having a peripheral edge, (6) with the support frame being arranged for releasably supporting the pan therein and for mounting the cover over the pan to enable the cover to be pivoted about a horizontal axis from a fully closed position through a continuous plurality of intermediate partially open positions to a fully open position, and vice versa, and (7) with the cover pivoting assembly being arranged to enable the cover to be automatically held stable in the fully open position and in any one of said continuous plurality of partially open positions and in the fully closed position by the mere movement of the cover to any of those positions.

Those combined features are not shown nor suggested in either the Ahn reference nor in the Bambonet reference. For example, it should be clear that while the Ahn reference does disclose a chafer device enabling its cover to be held in various intermediate positions, it does so by means of a spring biased ball and an associated recess. To hold the cover in a plurality of positions requires a plurality of discrete recesses. Thus the cover of Ahn cannot be held in plural continuous positions, as is now claimed in amended Claim 1.

The device of the Bambonet reference fails to make up for the deficiencies of the Ahn publication as a viable reference. In this regard, the Bambonet merely discloses the cover or lid being in one of two stable positions, namely, fully closed and partially open. When the cover is fully open it is not stable and it will return to the partially open position when released. Thus, the Bambonet reference cannot be said to disclose nor suggest a cover pivoting assembly being arranged to enable the cover to be automatically held stable in the fully open position and in any one of the continuous plurality of partially open positions and in the fully closed position by the mere movement of the cover to any of those positions.

Claims 2 - 24 depend either directly or indirectly upon Claim 1 and are hence patentable for reasons similar thereto.

The specification has been amended to correct a typographical error, i.e., deletion of the word "the." This change to the specification does not involve the addition of any new matter.

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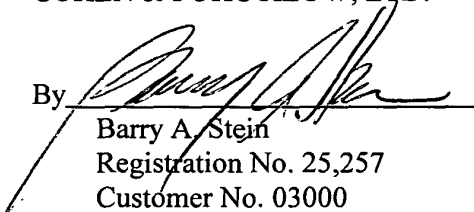
For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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